

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Carpenters District Council of Kansas City)	
Pension Fund, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:16-01063-CV-W-HFS
)	
M.S. Consulting, LLC)	
)	
Defendant.)	

DEFAULT JUDGMENT

Upon the motion of the Carpenters District Council of Kansas City Pension Fund, Carpenters Health and Welfare Trust Fund of St. Louis, Carpenters Joint Training Fund of St. Louis, Carpenters Vacation Trust Fund of St. Louis, St. Louis-Kansas City Carpenters Regional Council, plaintiffs in the above-entitled cause for default judgment pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, and it appearing to the Court that:

1. Plaintiffs herein on September 30, 2016, filed their Complaint against the defendant herein; and
2. The defendant was served through Billy Gilreath, President, by Special Process Server with a copy of the Summons and Complaint on October 28, 2016, at 4336 Woodland, Kansas City, MO 64110, and therefore the Court has jurisdiction over said defendant; and
3. This action arises and subject matter jurisdiction is properly based on Section 301 of the Labor Management Relations Act as amended, 29 U.S.C. §185, and Section 502 of the Employee Retirement Income Security Act, 29 U.S.C. §1132, and therefore the Court has subject matter jurisdiction over the within cause; and
4. Defendant has failed to answer or otherwise defend as to plaintiffs' Complaint, or serve a copy of any answer or other defense upon plaintiffs' attorneys of record or upon plaintiffs;

and the plaintiffs have heretofore filed in the within cause on January 24, 2017, the following pleadings and caused the same to be mailed by certified mail to: Billy Gilreath, President, 4336 Woodland, Kansas City, MO 64110.

- a. Plaintiffs' Second Motion for Default Judgment by the Court (Pursuant to Rule 55(b)(2) Federal Rules of Civil Procedure);
- b. Suggestions in Support of Plaintiffs' Second Motion for Default Judgment by the Court; and
- c. Plaintiffs' Affidavit of Failure to Plead or Otherwise Defend in Support of Application for Entry for Default as Required by Rule 55(a) Federal Rules of Civil Procedure.

5. The Court entered a show-cause order on November 30, 2016, directing defendant to show cause why default judgment should not be entered against it and caused said Order to be mailed by certified mail to: Billy Gilreath, President, 4336 Woodland, Kansas City, MO 64110.

Nevertheless, no proceedings have been made by defendant since the institution of this action or the aforementioned Order of the Court to show cause why default judgment should not be entered;

It is therefore, ORDERED, ADJUDGED and DECREED that judgment by default is hereby entered against defendant, M.S. CONSULTING, LLC and in favor of plaintiffs, Carpenters District Council of Kansas City Pension Fund, Carpenters Health and Welfare Trust Fund of St. Louis, Carpenters Joint Training Fund of St. Louis, Carpenters Vacation Trust Fund of St. Louis, St. Louis-Kansas City Carpenters Regional Council and their respective Trustees for failure to answer or to plead, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, as follows:

COUNT I

1. That the plaintiff, Carpenters District Council of Kansas City Pension Fund, have and recover of and from the defendant, for the period *June 24, 2015 through July 29, 2015*, the amount of **THREE THOUSAND, TWO HUNDRED FORTY-SIX AND 38/100 (\$3,246.38) DOLLARS** in unpaid fringe benefit contributions, **SIX HUNDRED NINETY-FIVE AND 46/100 (\$695.46) DOLLARS** as

and for liquidated damages and **ONE HUNDRED TWENTY-EIGHT AND 15/100 (\$128.15) DOLLARS** representing interest on the unpaid contributions; **TWO THOUSAND, SEVEN HUNDRED ONE AND 19/100 (\$2,701.19) DOLLARS** representing reasonable attorneys' fees, for a total of **SIX THOUSAND, SEVEN HUNDRED SEVENTY-ONE AND 18/100 (\$6,771.18) DOLLARS**; and for their costs herein incurred and expended, and that execution issue therefore.

COUNT II

1. That the plaintiff, Carpenters Health and Welfare Trust Fund of St. Louis, have and recover of and from the defendant, for the period *June 24, 2015 through July 29, 2015*, the amount of **TWO THOUSAND, SIX HUNDRED SEVENTY-FIVE AND 80/100 (\$2,675.80) DOLLARS** in unpaid fringe benefit contributions, **FIVE HUNDRED TWENTY-ONE AND 59/100 (\$521.59) DOLLARS** as and for liquidated damages and **NINETY-SIX AND 11/100 (\$96.11) DOLLARS** representing interest on the unpaid contributions; **TWO THOUSAND, SIXTY-NINE AND 00/100 (\$2,069.00) DOLLARS** representing reasonable attorneys' fees, for a total of **FIVE THOUSAND, THREE HUNDRED SIXTY-TWO AND 50/100 (\$5,362.50) DOLLARS**; and for their costs herein incurred and expended, and that execution issue therefore.

COUNT III

1. That the plaintiff, Carpenters Vacation Trust Fund of St. Louis, have and recover of and from the defendant, for the period *June 24, 2015 through July 29, 2015*, the amount of **FOUR HUNDRED FOURTEEN AND 20/100 (\$414.20) DOLLARS** in unpaid fringe benefit contributions, **SEVENTY-TWO AND 44/100 (\$72.44) DOLLARS** as and for liquidated damages and **THIRTEEN AND 35/100 (\$13.35) DOLLARS** representing interest on the unpaid contributions; **TWO HUNDRED EIGHTY-SEVEN AND 36/100 (\$287.36) DOLLARS** representing reasonable attorneys' fees, for a total of **SEVEN HUNDRED EIGHTY-SEVEN AND 35/100 (\$787.35) DOLLARS**; and for their costs herein incurred and expended, and that execution issue therefore.

COUNT IV

1. That the plaintiff, Carpenters Joint Training Fund of St. Louis, have and recover of and from the defendant, for the period *June 24, 2015 through July 29, 2015*, the amount of **ONE HUNDRED FIFTY-SEVEN AND 40/100 (\$157.40) DOLLARS** in unpaid fringe benefit contributions, **TWENTY-EIGHT AND 98/100 (\$28.98) DOLLARS** as and for liquidated damages and **FIVE AND 34/100 (\$5.34) DOLLARS** representing interest on the unpaid contributions; **ONE HUNDRED FOURTEEN AND 95/100 (\$114.95) DOLLARS** representing reasonable attorneys' fees, for a total of **THREE HUNDRED SIX AND 67/100 (\$306.67) DOLLARS**; and for their costs herein incurred and expended, and that execution issue therefore.

COUNT V

1. That the plaintiff, St. Louis-Kansas City Carpenters Regional Council, have and recover of and from the defendant, for the period *June 24, 2015 through July 29, 2015*, the amount of **SEVEN HUNDRED FIFTY AND 56/100 (\$750.56) DOLLARS** in unpaid fringe benefit contributions, **ONE HUNDRED THIRTY AND 40/100 (\$130.40) DOLLARS** as and for liquidated damages and **TWENTY-FOUR AND 03/100 (\$24.03) DOLLARS** representing interest on the unpaid contributions; **FIVE HUNDRED SEVENTY-FOUR AND 71/100 (\$574.71) DOLLARS** representing reasonable attorneys' fees, for a total of **ONE THOUSAND, FOUR HUNDRED SEVENTY-NINE AND 70/100 (\$1,479.70) DOLLARS**; and for their costs herein incurred and expended, and that execution issue therefore.

/s/ Howard F. Sachs _____
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

January 26, 2017

Kansas City, Missouri